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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,607	08/30/2000	Margaret Gwyn Latimer	14377.1	3027

7590 12/31/2002

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EXAMINER

PRATT, CHRISTOPHER C

ART UNIT PAPER NUMBER

1771

DATE MAILED: 12/31/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N . 09/652,607	Applicant(s) LATIMER ET AL.
Examiner Christopher C Pratt	Art Unit 1771

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 October 2002.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 13-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) Interview Summary (PTO-413) Paper No(s). _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendments and accompanying remarks filed 10/22/02 have been entered and carefully considered. Applicant's amendment is found to overcome the previous rejection over Periers, because Periers seemed to teach prebonding the web before corrugation. Applicant argues that this process limitation results in a product having different properties. Despite this advance, the amendments are not found to patently distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 13-14, 17-18, 20, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al (5558924).

Chien is concerned with the creation of a corrugated nonwoven web comprising fusible fibers (col. 3, lines 60-66). Said web is unbonded, corrugated, and then subsequently bonded throughout such that no gaps are present between folds (col. 3 and fig. 9 and 11). Chien is silent with respect to the percentage of fusible fibers present in said web. It would have been obvious to a person of ordinary skill in the art to utilize 40 to 100% fusible fibers in the web of Chien. Where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges

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involves only routine skill in the art. The skilled artisan would have been motivated to utilize a percentage of fusible fibers within applicant's range by the desire to achieve suitable bonding strength to improve the tear resistance of the fabric.

Chien teaches a second nonwoven layer (col. 5, lines 60-65)

Chien teaches said folds to be of uniform height (fig. 4).

Chien does not seem to teach a void volume. ~~If~~ this property is not inherent in the web of Chien then it would have been obvious to the skilled artisan to alter the void volume. Such a modification would have been motivated by the desire to optimize the permeability of said web.

Chien teaches applicant's claimed configurations (figs. 5-6).

4. Claims 15-16, 19, 21, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chien et al (5558924) in view of Huntoon et al (5906879).

Chien does not seem to teach the use of folds having a non-uniform height. Huntoon is concerned with the creation of corrugated nonwoven webs. Huntoon teaches the use of folds having a non-uniform height. It would have been obvious to a person having ordinary skill in the art to utilize non-uniform heights by the desire to reduce leakage, increase containment, and improve surge functionality (col. 8, lines 31-35).

Chien does not seem to teach the use of superabsorbent fibers.

Huntoon is concerned with the creation of corrugated nonwoven webs. Huntoon teaches the use of superabsorbent fibers (col. 7, line 16). It would have been obvious

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to a person of ordinary skill in the art to utilize the fibers taught by Huntoon in the corrugated web of Chien. Such a combination would have been motivated by the reasoned expectation of providing the fabric of Chien with the improved absorptive capabilities of Huntoon's fibers (col. 8, lines 44-50).

With respect to claim 21, Chien teaches fibers but does not seem to teach conjugate fibers. Huntoon teaches the use of conjugate fibers. It would have been obvious to a person having ordinary skill in the art to utilize conjugate fibers in the web of Chien. Such a modification would have been motivated by the desire to achieve increased adhesion and cohesiveness.

Chien teaches said web to be used as apparel (col. 6, lines 22-24). Huntoon teaches the use of the use of apparel such as diapers. Huntoon teaches all of applicant's claimed uses (col. 1, lines 6-15). It would have been obvious to utilize Chien's web in Huntoon's applications motivated by the desire to expand the commercial uses of Chien's web.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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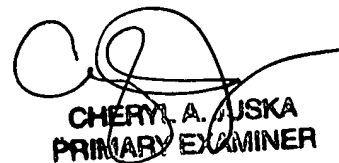
mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher C. Pratt
December 29, 2002



CHERYL A. JUSKA
PRIMARY EXAMINER